

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. TRACY MORGAN,
a/k/a “Tre Dog,”
2. KILLIU FORD,
a/k/a “Caveman” and,
3. AUGUSTUS SANFORD,
a/k/a “Turk,”

Defendants.

INDICTMENT
18 U.S.C. § 1201(a)(1)
18 U.S.C. § 1201(c)
18 U.S.C. § 3559(f)(2)
18 U.S.C. § 924(a)(2) and (c)
18 U.S.C. § 922(g)

The Grand Jury charges that:

COUNT 1
(Kidnapping)

On or about September 22, 2009, within the State and District of Colorado, the defendants, TRACY MORGAN, KILLIU FORD AND AUGUSTUS SANFORD, did willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct and carry away, Mario Armendariz, and held him for ransom, reward, and other reason and benefit, and did use a means, facility, and instrumentality of interstate and foreign commerce, those

being cellular telephone(s), the internet and a Global Positioning System, in committing and in furtherance of the commission of the offense.

All in violation of Title 18, United States Code, Section 1201(a)(1).

COUNT 2
(Kidnapping)

On or about September 22, 2009, within the State and District of Colorado, the defendants, TRACY MORGAN, KILLIU FORD AND AUGUSTUS SANFORD, did willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct and carry away, Perla Flores, and held her for ransom, reward, and other reason and benefit, and did use a means, facility, and instrumentality of interstate and foreign commerce, those being cellular telephone(s), the internet and a Global Positioning System, in committing and in furtherance of the commission of the offense.

All in violation of Title 18, United States Code, Section 1201(a)(1).

COUNT 3
(Kidnapping)

On or about September 22, 2009, within the State and District of Colorado, the defendants, TRACY MORGAN, KILLIU FORD AND AUGUSTUS SANFORD, did willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct and carry away, Juvenile One, and held her for ransom, reward, and other reason and benefit, and did use a means, facility, and instrumentality of interstate and foreign commerce, those being

cellular telephone(s), the internet and a Global Positioning System, in committing and in furtherance of the commission of the offense.

All in violation of Title 18, United States Code, Section 1201(a)(1) and Section 3559(f)(2).

COUNT 4
(Kidnapping)

On or about September 22, 2009, within the State and District of Colorado, the defendants, TRACY MORGAN, KILLIU FORD AND AUGUSTUS SANFORD, did willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct and carry away, Juvenile Two, and held her for ransom, reward, and other reason and benefit, and did use a means, facility, and instrumentality of interstate and foreign commerce, those being cellular telephone(s), the internet and a Global Positioning System, in committing and in furtherance of the commission of the offense.

All in violation of Title 18, United States Code, Section 1201(a)(1) and Section 3559(f)(2).

COUNT 5
(Conspiracy to Kidnap)

From on or about August 2009 through on or about September 23, 2009, in the State and District of Colorado, the defendants, TRACY MORGAN, KILLIU FORD AND AUGUSTUS SANFORD, did knowingly and intentionally conspire with each other and others known and unknown to the Grand Jury, to kidnap and rob Mario Armendariz.

Object of the Conspiracy

It was the primary object of the conspiracy to kidnap and rob Mario Armendariz, with the assistance of a GPS tracking system installed on the victim's car.

Overt Acts in Furtherance of the Conspiracy

In furtherance of the conspiracy and to effect the objects of the conspiracy, defendants, in various combinations, directly and indirectly, with others known and unknown to the Grand Jury, within the District of Colorado, committed overt acts, including, but not limited to, the following:

1. Between August 2009 and September 2009, defendants TRACY MORGAN and KILLIU FORD discussed with Marvin Tabor a plan to rob Tabor's drug supplier, Mario Armendariz.

2. In furtherance of the plan, defendant MORGAN used the internet to purchase a GPS tracker, which he referred to as the "Pelican."

3. At defendant MORGAN's request, sometime during September 2009, Tabor called Armendariz to request a delivery of cocaine, so that defendants MORGAN and FORD could attach the GPS tracker to Armendariz's car.

4. When Armendariz entered Tabor's house to deliver the cocaine, MORGAN and FORD attached the GPS tracker to the underside of Armendariz's car.

5. For the next few weeks, MORGAN, FORD and Tabor monitored Armendariz's whereabouts by using a computer to follow the tracker. Through use of the

monitoring, MORGAN and FORD were able to determine where Armendariz lived, as well as his habits and patterns.

6. On or about September 22, 2009, MORGAN informed Tabor that they were going to carry out the robbery that night. MORGAN stated that he needed more men to assist in the operation. MORGAN recruited defendant SANFORD, as well as others unknown to the Grand Jury, to assist him and FORD.

7. Prior to leaving to carry out the robbery, MORGAN, FORD and SANFORD assembled at Tabor's house. SANFORD was wearing a stolen Denver Police Department uniform that he had obtained from a juvenile whose father was a Denver police officer, in exchange for drugs.

8. All of the defendants brought guns to use during the robbery.

9. Before leaving Tabor's house, the defendants used Tabor's computer to determine the location of Armendariz by use of the tracker.

10. After the defendants left, MORGAN called Tabor several times to ask him to check the computer for the current location of Armendariz. On the last call, Tabor gave MORGAN the location and MORGAN stated that he saw Armendariz.

11. At approximately 11 p.m. on September 22, 2009, the defendants located Armendariz in the 2200 block of Eaton Street in Edgewater, Colorado. As Armendariz and his wife placed their two young daughters into car seats in the rear of their car, the defendants jumped out of their various vehicles, with their guns drawn, and announced they were the police.

12. Some of the men bound Armendariz's ankles and wrists with zip ties, placed a mask over his head and threw him into the back of SANFORD's SUV.

13. Another man ordered Armendariz's wife at gun point into the passenger seat of her car and got into the driver's seat.

14. The gunman in Armendariz's car drove Perla Flores and her two children to their home at 4190 E. 119th Place #C, in Thornton, Colorado.

15. When they arrived at the home, additional gunmen met up with them and ordered Perla Flores out of the car and ordered her to open the house for them.

16. Between three and five men entered the home, including all three defendants, and began ransacking the house. They demanded that Perla Flores show them where the drugs and money were.

17. When Perla Flores denied knowing anything about drugs or money, MORGAN ordered one of the men to grab one of Perla Flores' young daughters. The man carried Juvenile One up the stairs and MORGAN pointed a gun at Juvenile One's head.

18. Perla Flores pointed out where money was hidden and the men grabbed a box containing approximately \$30,000 in cash.

19. The men also took some jewelry, a watch and a camera.

20. The men fled in different vehicles. The men in SANFORD's vehicle stopped along 104th Avenue and pushed Armendariz out of the car and onto the side of the road before pulling away.

21. That night and the following day, the defendants had numerous discussions and meetings regarding the kidnapping and robbery and how the money should be divided up.

All in violation of Title 18, United States Code, Section 1201(c).

COUNT 6
(Possession of Firearm During Crime of Violence)

On or about September 22, 2009, within the State and District of Colorado, the defendants, TRACY MORGAN, KILLIU FORD AND AUGUSTUS SANFORD, during and in relation to the crimes of violence set forth in Counts 1, 2, 3 and 4, that is, kidnapping, used, carried, possessed and brandished a firearm, in furtherance of said crime of violence.

All in violation of Title 18, United States Code, Section 924(c).

COUNT 7
(Felon in Possession of Firearm)

On or about September 22, 2009, within the State and District of Colorado, the defendant, TRACY MORGAN, having been previously convicted in a court of the State of Texas of a crime punishable by a term of imprisonment exceeding one year, namely, September 25, 2008, Case No. 1099319001, Tarrant County District Court (Credit Card Abuse), a Felony, did knowingly possess a firearm, which had been shipped and transported in interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 8
(Felon in Possession of Firearm)

On or about September 22, 2009, within the State and District of Colorado, the defendant, KILLIU FORD, having been previously convicted in a court of the State of Colorado of a crime punishable by a term of imprisonment exceeding one year, namely, September 18, 2000, Case No. 99CR4834, Denver County District Court (Marijuana Possession 8 ounces or more), a Class 5 Felony, did knowingly possess a firearm, which had been shipped and transported in interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

A TRUE BILL:

Ink signature on file in the Clerk's Office
FOREPERSON

JOHN F. WALSH
United States Attorney

By: s/ Colleen Covell
COLLEEN COVELL
Assistant United States Attorney
United States Attorney's Office
District of Colorado
1225 17th Street, Suite 700
Denver, Colorado 80202
Telephone: 303-454-0100
Fax: 303-454-0401
colleen.covell@usdoj.gov
Attorney for the Government

DEFENDANT 1: TRACY MORGAN
a/k/a "Tre Dog"

YOB:

ADDRESS:

COMPLAINT FILED? _____ YES ☒ NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? _____ YES ☒ NO

IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: **COUNTS 1, 2, 3 and 4:** Title 18, United States Code, Section 1201(a)(1) - did willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct and carry away, an individual and hold him for ransom, reward, and other reason and benefit, and did use a means, facility, and instrumentality of interstate and foreign commerce, those being cellular telephone(s), the internet and a Global Positioning System, in committing and in furtherance of the commission of the offense

COUNT 5: Title 18, United States Code, Section 1201(c) - did knowingly and intentionally conspire to kidnap and rob an individual.

COUNT 6 - Title 18, United States Code, Section 924(c) - during and in relation to crimes of violence, used, carried, possessed and brandished a firearm, in furtherance of said crime of violence.

COUNT 7 - Title 18, United States Code, Sections 922(g)(1) and 924(a)(2) - knowingly possessed a firearm and ammunition which had been transported in interstate and foreign commerce, having been convicted of one or more crimes punishable by imprisonment for a term exceeding one year.

LOCATION
OF OFFENSE

(COUNTY/STATE): Denver County, Denver, CO

PENALTY: **COUNTS 1 and 2:** NLT 20 years, NMT life imprisonment, \$250,000 fine, or both; NMT 5 years supervised release, \$100.00 special assessment fee (per count)

COUNTS 3 and 4: NLT 25 years, NMT life imprisonment, \$250,000 fine, or both; NMT 5 years supervised release, \$100.00 special assessment fee (per count)

COUNT 5 - NMT life years imprisonment; \$250,000 fine, or both; NMT 5 years supervised release, \$100.00 special assessment fee

COUNT 6 - NLT 7 years, NMT life imprisonment; NMT \$250,000.00 fine, or both; NMT 5 years supervised release; \$100.00 Special Assessment

COUNT 7 - NMT 10 years imprisonment; NMT \$250,000.00 fine, or both; NMT 3 years supervised release; \$100.00 Special Assessment (each count)

AGENT: Special Agent Donald Peterson
Special Agent Todd Wilcox
Federal Bureau of Investigation/Metro Gang Task Force

AUTHORIZED Colleen Covell
BY: Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL: 5 days or more

THE GOVERNMENT will seek detention in this case

The statutory presumption of detention is applicable to this defendant.

OCDEF CASE: ✓ Yes No

DEFENDANT 3: AUGUSTUS SANFORD
a/k/a "Turk"

YOB:

ADDRESS:

COMPLAINT FILED? _____ YES ☒ NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? _____ YES ☒ NO

IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: **COUNTS 1, 2, 3 and 4:** Title 18, United States Code, Section 1201(a)(1) - did willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct and carry away, an individual and hold him for ransom, reward, and other reason and benefit, and did use a means, facility, and instrumentality of interstate and foreign commerce, those being cellular telephone(s), the internet and a Global Positioning System, in committing and in furtherance of the commission of the offense

COUNT 5: Title 18, United States Code, Section 1201(c) - did knowingly and intentionally conspire to kidnap and rob an individual.

COUNT 6 - Title 18, United States Code, Section 924(c) - during and in relation to crimes of violence, used, carried, possessed and brandished a firearm, in furtherance of said crime of violence.

LOCATION
OF OFFENSE

(COUNTY/STATE): Denver County, Denver, CO

PENALTY: **COUNTS 1 and 2:** NLT 20 years, NMT life imprisonment, \$250,000 fine, or both; NMT 5 years supervised release, \$100.00 special assessment fee (per count)

COUNTS 3 and 4: NLT 25 years, NMT life imprisonment, \$250,000 fine, or both; NMT 5 years supervised release, \$100.00 special assessment fee (per count)

COUNT 5 - NMT life years imprisonment; \$250,000 fine, or both; NMT 5 years supervised release, \$100.00 special assessment fee

COUNT 6 - NLT 7 years, NMT life imprisonment; NMT \$250,000.00 fine, or both; NMT 5 years supervised release; \$100.00 Special Assessment

AGENT: Special Agent Donald Peterson
Special Agent Todd Wilcox
Federal Bureau of Investigation/Metro Gang Task Force

AUTHORIZED Colleen Covell
BY: Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL: 5 days or more

THE GOVERNMENT will seek detention in this case

The statutory presumption of detention is applicable to this defendant.

OCDETF CASE: ✓ Yes No

DEFENDANT 2: KILLIU FORD
a/k/a "Caveman"

YOB:

ADDRESS:

COMPLAINT FILED? _____ YES ☒ NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? _____ YES ☒ NO

IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: **COUNTS 1, 2, 3 and 4:** Title 18, United States Code, Section 1201(a)(1) - did willfully and unlawfully seize, confine, inveigle, decoy, kidnap, abduct and carry away, an individual and hold him for ransom, reward, and other reason and benefit, and did use a means, facility, and instrumentality of interstate and foreign commerce, those being cellular telephone(s), the internet and a Global Positioning System, in committing and in furtherance of the commission of the offense

COUNT 5: Title 18, United States Code, Section 1201(c) - did knowingly and intentionally conspire to kidnap and rob an individual.

COUNT 6 - Title 18, United States Code, Section 924(c) - during and in relation to crimes of violence, used, carried, possessed and brandished a firearm, in furtherance of said crime of violence.

COUNT 8 - Title 18, United States Code, Sections 922(g)(1) and 924(a)(2) - knowingly possessed a firearm and ammunition which had been transported in interstate and foreign commerce, having been convicted of one or more crimes punishable by imprisonment for a term exceeding one year.

LOCATION OF OFFENSE (COUNTY/STATE): Denver County, Denver, CO

PENALTY: **COUNTS 1 and 2:** NLT 20 years, NMT life imprisonment, \$250,000 fine, or both; NMT 5 years supervised release, \$100.00 special assessment fee (per count)

COUNTS 3 and 4: NLT 25 years, NMT life imprisonment, \$250,000 fine, or both; NMT 5 years supervised release, \$100.00 special assessment fee (per count)

COUNT 5 - NMT life years imprisonment; \$250,000 fine, or both; NMT 5 years supervised release, \$100.00 special assessment fee

COUNT 6 - - NLT 7 years, NMT life imprisonment; NMT \$250,000.00 fine, or both; NMT 5 years supervised release; \$100.00 Special Assessment

COUNT 8 - NMT 10 years imprisonment; NMT \$250,000.00 fine, or both; NMT 3 years supervised release; \$100.00 Special Assessment (each count)

AGENT: Special Agent Donald Peterson
Special Agent Todd Wilcox
Federal Bureau of Investigation/Metro Gang Task Force

AUTHORIZED Colleen Covell
BY: Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL: 5 days or more

THE GOVERNMENT will seek detention in this case

The statutory presumption of detention is applicable to this defendant.

OCDETF CASE: ✓ Yes No